

NOTE CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JANE ROE, an individual,
Plaintiff,

vs.

CITY OF EL MONTE and EL
MONTE POLICE OFFICER
FRANCISCO GARCIA, and DOES
2-10,

Defendants.

No. CV13-07734 DMG (AGRx)

~~PROPOSED~~ PROTECTIVE
ORDER RE PLAINTIFF'S
RESPONSES TO REQUESTS 1, 4
AND 17 OF REQUEST FOR
PRODUCTION [SET NO. ONE]
PROPOUNDED BY DEFENDANT
CITY OF EL MONTE;

MAGISTRATE JUDGE ALICIA G.
ROSENBERG

NOTE CHANGES MADE BY THE COURT

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

The Plaintiff Jane Roe is producing, in response to Request Numbers 1, 4 and 17 of the Request for Production of Documents [Set No. One] propounded by Defendant City of El Monte, certain documents which the receiving parties (Defendants City of El Monte and Francisco Garcia, hereafter "Defendants") agree to maintain as confidential for purposes of this litigation.

1 This protective order applies to those documents produced by Plaintiff Jane
2 Roe in response to the Request for Production of Documents [Set No. One]
3 propounded by Defendant City of El Monte, specifically Request Number 1 (the
4 2011, 2012 and 2013 tax returns of Plaintiff), Request Number 4 (documents from
5 Plaintiff's immigration file) and Request Number 17 (medical documents of Dr.
6 Goodman).

7 Such documents shall hereinafter be referred to as "Confidential
8 Information."

9 The Court orders that the following terms and conditions of this Protective
10 Order shall govern the use and disclosure of Confidential Information and
11 information derived therefrom by Defendants.

12 1. The documents produced by Plaintiff Jane Roe in response to the
13 Request for Production of Documents [Set No. One] propounded by Defendant
14 City of El Monte, specifically Request Number 1 (the 2011, 2012 and 2013 tax
15 returns of Plaintiff), Request Number 4 (documents from Plaintiff's immigration
16 file) and Request Number 17 (medical documents of Dr. Goodman) are to be
17 designated as "CONFIDENTIAL INFORMATION." Such designation shall be
18 made by stamping or otherwise marking the documents prior to production, and in
19 a manner so as not to obstruct the content of said documents, as follows:

20
21 **"CONFIDENTIAL MATERIAL SUBJECT TO PROTECTIVE ORDER"**

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23 2. CONFIDENTIAL INFORMATION shall be used by Defendants solely
24 in connection with the preparation and trial of the instant action, Jane Roe v. City
25 of El Monte, et al., Case No. CV-13-07734 DMG (AGRx) or any related appellate
26 proceeding, and not for any other purpose, including any other litigation.

27 3. Material designated as confidential under this Order, the information
28 contained therein, and any summaries, copies, abstracts, or other documents

1 derived in whole or in part from material designated as confidential shall be used
2 by Defendants only for the purpose of the prosecution, defense or settlement of
3 this action, and for no other purpose.

4 4. CONFIDENTIAL INFORMATION may not be disclosed by Defendants,
5 except as provided in paragraphs 5 and 6.

6 5. CONFIDENTIAL INFORMATION may be disclosed by Defendants only
7 to the following persons:

- 8 (a) Counsel for any party and any party to this litigation;
- 9 (b) Paralegal, stenographic, clerical and secretarial personnel regularly
10 employed by counsel referred to in (a);
- 11 (c) An investigator or investigators employed by counsel referred to in
12 (a), so long as the investigator executes Attachment A;
- 13 (d) Court personnel, including stenographic reporters engaged in such
14 proceedings as are necessarily incidental to preparation for the trial of
15 this action;
- 16 (e) Any outside expert or consultant retained in connection with this
17 action, and not otherwise employed by either party; and
- 18 (f) Any "in-house" expert designated by either party to testify at trial in
19 this matter.

20 Nothing in this order prevents a witness from disclosing events or activities
21 personal to him or her, that is, a witness can disclose to others information
22 previously given to the Plaintiff regarding these documents with respect to what
23 he or she saw, heard or otherwise sensed.

24 6. Each person to whom disclosure is made, with the exception of counsel,
25 and the parties, who are presumed to know the contents of this protective order,
26 and court personnel, shall prior to the time of disclosure, be provided by the
27 person furnishing him/her such material a copy of this order, and shall execute a
28 nondisclosure agreement in the form of Attachment A, a copy of which shall be

1 provided forthwith to counsel for each other party. Such person also must consent
2 to be subject to the jurisdiction of this United States District Court with respect to
3 any proceeding relating to enforcement of this order, including without limitation,
4 any proceeding for contempt.

5 7. If the aforementioned CONFIDENTIAL INFORMATION is included in
6 any papers to be filed with the Court, such papers shall be accompanied by an
7 application which comports with Local Rule 79-5.1 and seeks to (a) file the
8 confidential portions thereof under seal (if such portions are segregable), or (b)
9 file the papers in their entirety under seal (if the confidential portions are not
10 segregable) . The Application shall be directed to the judge to whom the papers
11 are directed. Pending the ruling on the application, the papers or portions thereof
12 subject to the sealing application shall be lodged under seal in accordance with
13 Local Rule 79-5.1.

14 8. At the conclusion of the trial and of any appeal or upon termination of
15 this litigation, all CONFIDENTIAL INFORMATION received by Defendants
16 under the provisions of this order (including any copies made and/or any computer
17 materials made or stored) shall be destroyed or tendered back to Plaintiff's counsel
18 within 30 days. Provisions of this order in so far as they restrict disclosure and use
19 of the material shall be In effect until further order of this Court. However,
20 Counsel shall be permitted to retain an archive copy of all pleadings, deposition
21 transcripts and exhibits, trial transcripts, and trial exhibits contained therein, in
22 accordance with and despite the presence of, the rules of the State Bar of
23 California addressing the retention/preservation of client files by attorneys.
24 Counsel's duty to maintain the confidentiality of such archival copy shall continue
25 without further order of the Court.

26 9. The foregoing is without prejudice to the right of any party:
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- 1 (a) To apply to the Court for a further protective order relating to
2 CONFIDENTIAL INFORMATION or relating to discovery in this
3 litigation;
4 (b) To apply to the Court for an order removing the CONFIDENTIAL
5 INFORMATION designation from any documents; and
6 (c) To apply to the Court for an order compelling production of
7 documents or modification of this order or for any order permitting
8 disclosure of CONFIDENTIAL INFORMATION beyond the terms of
9 this order.
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11 10. GOOD CAUSE exists for designating these materials privileged and
12 confidential as set forth in this Court's minute order of July 29, 2014 (Doc. No.
13 68)

14 11. CONFIDENTIAL INFORMATION produced in connection with the
15 Court Order shall not be disclosed, disseminated, or in any manner provided to the
16 media or any member of the public, unless the Court has ruled that the information
17 may be divulged to the media and the public.

18 12. In the event that any CONFIDENTIAL INFORMATION is used or
19 referred to during the course of any court proceeding in this action, such
20 information shall not lose its confidential status through such use. *Confidential*
information used at trial shall become public absent a separate court order.
21 13. Counsel for each party shall take reasonable precautions to prevent the
22 unauthorized or inadvertent disclosure of CONFIDENTIAL INFORMATION.

23 14. In the event that the terms of this Protective Order are violated, the
24 parties agree that the aggrieved party may immediately apply to this Court to
25 obtain injunctive relief and monetary sanctions against any person violating or
26 threatening to violate any of the terms of this Protective Order. This Court shall
27 retain jurisdiction over the parties for the purpose of enforcing this Protective
28 Order, and the Court shall have the power to modify this Protective Order at any

1 time and to impose whatever penalties it deems appropriate for the violation of
2 this Protective Order, including but not limited to monetary sanctions, judicial
3 sanctions, issue preclusion, and contempt. Any such request for injunctive relief
4 and/or monetary sanctions must be made by a properly noticed motion and
5 pursuant to statute.

6 15. This Protective Order, and the obligations of all persons thereunder,
7 including those relating to the disclosure and use of CONFIDENTIAL
8 INFORMATION, shall survive the final termination of this case, whether such
9 termination is by settlement, judgment, dismissal, appeal or otherwise, until
10 further order of the Court.

11 16. Production of all CONFIDENTIAL INFORMATION ordered disclosed
12 by this Court shall take place within seven (7) days from the entry of the
13 Protective Order by this Court as set forth in this Court's minute order of July 29,
14 2014 (Doc. No. 68).

15
16 **IT IS SO ORDERED.**

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18 DATED: August 11, 2014

19 BY: Alicia G. Rosenberg
20 Alicia G. Rosenberg
21 U.S. Magistrate Judge
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ATTACHMENT A
NON DISCLOSURE AGREEMENT

I, _____, do solemnly swear that I am fully familiar with the terms of the Protective Order Concerning Confidential Information entered in *JANE ROE v. CITY OF EL MONTE, ET AL.*, Case No. CV 13-07734 DMG (AGR_x), and hereby agree to comply with and be bound by the terms and conditions of said Order unless modified by further Order of the Court. I hereby consent to the jurisdiction of the Court for purpose of enforcing this nondisclosure agreement.

DATED: _____ BY: _____